IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION No.18873 OF 1995

Between:

Lingampalli Narahari and another.

..... PETITIONERS

AND

State of Andhra Pradesh, rep. by its
Secretary, Revenue, Secretariat Buildings,
Hyderabad, and others.

....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR

WRIT PETITION No.18873 OF 1995

O R D E R

This writ petition is filed with a prayer as follows:

> **"… Hon'ble Court may be pleased to issue an appropriate writ or order or direction**
>
> **i) declaring the proc.No.A5/5067/94 dt.26.4.95 of Res.2 and Proc.No.H/3958/94 dt.3.6.94 of Res.3 as arbitrary, illegal, without jurisdiction and the same is liable to be struck down;**
>
> **ii) declaring A.P. (TA) Abolition of Inams (Amendment) Act 1985 as arbitrary, illegal, void and inoperative;**
>
> **iii) records may be called for;**
>
> **iv) costs be awarded to the petitioner; and pass such other orders appropriate in the circumstances of the case. "**

By proceedings dated 03.06.1993 the third respondent herein recorded that the fourth respondent herein shall be registered as occupant in respect of the land specified in the schedule thereto, ostensibly in exercise of the power under Section 4 read with Section

10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955. Aggrieved by the same, the petitioner earlier approached this Court by way of W.P.No.11732 of 1994. By an order dated 30th June, 1994 a learned Judge of this Court disposed of the writ petition at the admission stage directing the petitioners herein to prefer an appeal available under the Inams Abolition Act. Consequently, the petitioners carried the matter in appeal before the 2nd respondent. The 2nd respondent by an order dated 26.04.1995 dismissed the said appeal. Hence, the present writ petition.

The case of the petitioners is that they are the pattadars of the land in dispute and the property was wrongly treated as inam land. Neither the third respondent nor the second respondent considered any evidence to reach the conclusion that the property in question is inam land. They proceeded on the premise that the land in question is an inam land.

Notwithstanding pendency of the matter for a period of more than a decade in this Court, no counter is filed by the respondents.

The impugned order is a bald order unsupported by any reason nor does it disclose that any evidence was considered before reaching the conclusions such as the one recorded in the impugned order.

In the circumstances, the impugned order is set aside. However, it is open to the second respondent to reconsider the matter afresh after giving an opportunity to all the parties concerned and pass appropriate order in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

JUSTICE J.CHELAMESWAR

14th NOVEMBER, 2006

PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR

WRIT PETITION No.18873 OF 1995

14TH NOVEMBER, 2006